

11/24/97  
JCS51 U.S. PTO

PATENT

Docket No. 2026-4149US3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

65705 U.S. PTO  
08/977221  
11/24/97

Applicant(s) : Stracke, M. et al.

Anticipated Classification  
of this application:

Divisional of  
Serial No. : 08/346,455

Class 435 Subclass 069.100  
Prior Application

Filed : Herewith

Examiner: Longton, E.

For : AUTOTAXIN: MOTILITY STIMULATING PROTEIN  
USEFUL IN CANCER DIAGNOSIS AND THERAPY

FILING UNDER 37 C.F.R. § 1.60

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. [ X ] This is a request for filing a [ ] Continuation [X] Divisional application under 37 C.F.R. § 1.60, of pending parent application Serial No. 08/346,455 of Stracke, M. et al. filed on November 28, 1994.
2. [ X ] The attached papers are a true copy of the above-identified parent application as filed, including the oath or declaration originally filed (37 C.F.R. § 1.60), and no amendments referred to in the oath or declaration filed to complete the parent application introduced new matter therein.
3. [ X ] The copy of the papers of the parent application as filed which are attached are as follows:
  - [ X ] 47 page(s) of specification
  - [ X ] 3 page(s) of claims
  - [ X ] 1 page(s) of abstract
  - [ X ] 19 page(s) of drawing
  - [ X ] 4 page(s) of declaration and power of attorney
  - [ X ] in accordance with 37 C.F.R. § 1.60(b), our records reflect that the original signed declaration showing applicant's signature was filed on February 10, 1995 in application Serial No. 08/346,455.
  - [ X ] 46 page(s) of Sequence Listing
  - [ X ] 1 computer disk(s) containing Sequence Listing

A

Box seq. A

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Docket No. 2026-4149US3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Stracke, M. et al. Group Art Unit: To Be Assigned  
Divisional of Serial No. : 08/346,455 Examiner: Longton, E.  
Filed : Herewith  
For : AUTOTAXIN: MOTILITY STIMULATING PROTEIN  
USEFUL IN CANCER DIAGNOSIS AND THERAPY

EXPRESS MAIL CERTIFICATE

Express Mail Label No. EI004875217US

Date of Deposit November 24, 1997


I hereby certify that the following attached paper(s) or fee

1. Filing Under 37 C.F.R. § 1.60;
2. Copy of Patent Application (including 47 pages of specification; 3 pages of claims, 1 page of abstract and 19 pages of drawings);
3. Copy of Combined Declaration and Power of Attorney;
4. Copy of Associate Power of Attorney;
5. Paper Copy of Sequence Listing (46 pages);
6. 1 computer disk containing Sequence Listing;
7. Statement Under 37 C.F.R. §1.821(f); and
8. Return Postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Israel Fuentes

(Typed or printed name of person mailing paper(s) or fee)

  
(Signature of person mailing paper(s) or fee)

Mailing Address:

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, New York 10154  
(212) 758-4800  
(212) 751-6849 Telecopier

FORM: EXP-MAIL.NY

EI004875217US

☐ \_\_\_\_\_ computer disk containing original Sequence Listing previously submitted with application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

☒ Statement under 37 C.F.R. § 1.821(f) that computer and paper copies of the Sequence Listing are the same.

☐ Other \_\_\_\_\_.

4. ☒ Cancel in this application original claims 1, 2, 7, 8, 10 and 13-15 of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
5. ☐ A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

#### CLAIMS FOR FEE CALCULATION

	Number		Number Extra		Rate for Non-Small Entity	Basic Fee \$ 790.00
Total Claims	11	-20=	0	x	\$22.00	\$ 00.00
Independent Claims	5	-3=	2	x	\$82.00	\$ 164.00
Multiple Dependent Claim(s)	<input type="checkbox"/> yes	Add'l Fee \$270.00				
	<input checked="" type="checkbox"/> no	Add'l Fee NONE				

Filing Fee Calculation \$ 954.00

6. ☐ A verified statement that this filing is by a small entity is attached or has been filed in the parent application and its benefit under 37 C.F.R. § 1.28(a) is hereby claimed. Reduced fees under 37 C.F.R. § 1.9(f) (50% of total) paid herewith \$ \_\_\_\_\_.

7. ☒ The status of the parent application is as follows:

☐ A Petition For Extension of Time, and Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until \_\_\_\_\_.

☐ A copy of the Petition for Extension of Time in the copending parent application is attached.

☒ No Petition For Extension of Time and Fee therefor are necessary in the copending parent application.

8. ☐ Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending and has been granted a filing date, so as to make this application copending with said parent application. ATTACHED IS AN EXPRESS ABANDONMENT FOR FILING IN THE PARENT APPLICATION FILE.
9. ☐ Transfer the drawing(s) from the parent application to this application.
10. ☐ New drawings are enclosed: ☐ formal ☐ informal
11. ☐ Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. § 119.
- a. ☐ The certified copy is on file  
☐ in the above-identified parent application.  
☐ application Serial No. \_\_\_\_\_.
- b. ☐ The certified copy will follow.
- c. ☐ The certified copy is enclosed herewith.
- d. ☐ The certified English translation  
☐ is enclosed  
☐ is on file in application Serial No. \_\_\_\_\_.
12. ☒ Amend the specification by amending the first sentence to read:

This is a ☐ continuation ☒ divisional of co-pending application Serial No. 08/346,455 <sup>now us Pat 5,731,167</sup> filed November 28, 1994, which is a continuation-in-part of Serial No. 08/249,182 <sup>filed</sup> ~~abandoned~~ <sup>now us Pat 5,449,753</sup> ~~filed~~ <sup>on January 17, 1992</sup> May 25, 1994, which is a continuation-in-part of application Serial No. 07/822,043 <sup>filed</sup> ~~on January 17, 1992~~.

13. a. ☐ With respect to the inventorship of the copending parent application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are) less than those named in the copending parent application and the following inventor(s) should be deleted from this application:  
\_\_\_\_\_  
A Petition requesting correction of inventorship for this application in accordance with 37 C.F.R. §§1.48 and 1.60(b) is enclosed.
- b. ☐ In view of the granting of the Petition requesting correction of inventorship in (parent) application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, this application is being filed in the name of the corrected inventive entity.
14. ☒ The parent application is assigned of record to Secretary, Dept. of Health and Human Services, recorded on February 10, 1995, Reel 7324, Frame 0799.

15. [ X ] A check in the amount of \$ 954.00 to cover the filing fee is attached.
16. [ X ] Charge fee to Deposit Account No. 13-4500. Order No. 2026-4149US3. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
17. [ X ] The Assistant Commissioner is hereby authorized to charge any additional fees which may be required for filing this application, or credit any overpayment to Deposit Account No. 13-4500. Order No. 2026-4149US3. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
18. [ X ] The power of attorney in the parent application is to:
- National Institutes of Health, Office of Technology Transfer and an Associate Power of Attorney to Morgan & Finnegan, L.L.P.
- a. [ X ] The power was filed in the parent application and a copy is enclosed.
- b. [ ] A new power has been executed and is attached.
- c. [ X ] Address all future communications to:

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, New York 10154

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By: 

Dorothy R. Auth  
Registration No. 36,434

Dated: November 24, 1997

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FORM: RULE-60.NY  
Rev. 10/1/97